

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : NO. 3:16-CR-194  
:   
v. : (JUDGE CAPUTO)  
:   
FUHAI LI, : (ELECTRONICALLY FILED)  
Defendant :   
:

**GOVERNMENT'S MOTION IN LIMINE**  
**TO ADMIT PATIENT MEDICAL RECORDS**

1. On October 17, 2017, a federal grand jury returned a 32-count Superseding Indictment charging the defendant, Fuhai Li (the defendant), with various violations of federal law. Counts 1 through 23 charge violations of 21 U.S.C. § 841(a)(1), for the defendant's distribution and dispensing of controlled substances outside the usual course of professional practice and not for a legitimate medical purpose. Count 24 charges a violation of 21 U.S.C. § 841(a)(1), for the defendant's distribution and dispensing of a controlled substance resulting in serious bodily injury and death of a person. Count 25 charges a violation of 21 U.S.C. § 861(f), for the defendant's distribution and dispensing of a controlled substance to a pregnant individual. Counts 26 and 27 charge violations of 21 U.S.C. § 856(a)(1), for the defendant's maintaining locations at 104 Bennett Avenue, Suite 1B, Milford, Pennsylvania, and 200 3rd Street, Milford Pennsylvania, for the purpose of unlawfully distributing controlled substances. Counts 28 and 29 charge violations of 18 U.S.C. § 1957, for the defendant's engaging in monetary transactions in property

derived from a specified unlawful activity. Counts 30 through 32 charge violations of 26 U.S.C. § 7201, for the defendant's tax evasion. The 27-page Superseding Indictment, which includes a detailed recitation of facts supporting the charges, also includes a forfeiture allegation seeking forfeiture of various property and U.S. Currency. (*See MDPA 3-cr-16-194, Doc. 47*).<sup>1</sup>

2. The criminal charges stem from the defendant's medical practice from August 2011 through January 2015. During those years, the defendant treated hundreds of patients who said they were suffering from pain. Notably, he treated the vast majority of these patients by writing prescriptions for Schedule II controlled substances. In discovery, the Government provided the defendant with the same mirror image of his electronic medical files seized from his practice on January 27, 2015. A jury trial is scheduled to begin on May 1, 2018.

3. Counts 26 and 27 of the Superseding Indictment allege that the defendant maintained drug-involved premises at two locations where he conducted his medical practice in Milford, Pennsylvania.<sup>2</sup> The defendant's treatment of all

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<sup>1</sup> The defendant was first charged in a 24-count Indictment returned by a federal grand jury on July 20, 2016. (*See MDPA 3-cr-16-194, Doc. 1*).

<sup>2</sup> Count 26 specifically identifies the defendant's office address at 104 Bennett Avenue, Suite 1B, Milford, Pike County, Pennsylvania. Count 27 specifically identifies the defendant's office address at 200 3rd Avenue, Milford, Pike County, Pennsylvania.

patients, not only the ones specifically identified in Counts 1 through 25 of the Superseding Indictment, is relevant evidence in addressing the crimes alleged in Counts 26 and 27. Accordingly, the Government will introduce evidence in the form of witness testimony from several former patients, as well as all medical files reviewed by the Government's expert medical witness, Dr. Stephen Thomas.

4. The Government's has filed a separate Brief in Support of the within Motion in Limine.

WHEREFORE, the Government respectfully requests that the Court authorize the admission of patient medical files.

Respectfully submitted,

DAVID J. FREED  
United States Attorney

By: /s/ Michelle L. Olshefski  
MICHELLE L. OLSHEFSKI  
Assistant U.S. Attorney

Dated: February 20, 2018

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 20th February, 2018, I caused the foregoing “**Government’s Motion in Limine to Admit Patient Medical Files**” to be served upon defense counsel Michael Weinstein and William Ruzzo, counsel of record for the defendant, and that defense counsel are filing users under the ECF system.

/s/ Michelle L. Olshefski  
Michelle L. Olshefski  
Assistant U.S. Attorney